

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL COUNCIL)	
of CARPENTERS PENSION FUND et al.,)	
)	
Plaintiffs,)	Case No. 21-cv-201
)	
)	Judge Martha M. Pacold
v.)	
)	
GALLAGHER CONCRETE INC. a/k/a)	
HUGH HENRY CONSTRUCTION INC. a/k/a)	
HH CONCRETE INC. and MICHAEL GALLAGHER,)	
an individual,)	
)	
Defendants.)	

Motion to Reinstate and for Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to reinstate this case and enter judgment and in support state:

1. This is an ERISA trust fund case for delinquent contributions.
2. On October 18, 2021 this case was dismissed with leave to reinstate pursuant to the settlement of the parties. (Exhibit A, *Agreed Order of Dismissal*)
3. The Plaintiffs and Defendant entered into a settlement agreement, whereby the Defendant agreed to pay \$128,669.73 in partial payments. (Exhibit A, paragraph one, Exhibit B) If the Defendant defaulted on the payments, the Plaintiffs retained the right to reinstate this case and enter judgment for the balance owed on the payment arrangement. (Exhibit A, paragraph four)
4. Additionally, in the event of a default, the owner, Michael Gallagher, agreed to be personally liable for the dues deducted from the employees' paychecks in the amount of \$6,130.56. (Exhibit A, paragraph 5, Exhibit B, paragraph 5)

5. The Defendant defaulted on the Agreement by both failing to make the required payments on the agreed amount and remaining current on its monthly reporting and payment obligations to the Trust Funds. A payment of \$3,995.10 was received and applied to the payment plan. As a result of the default the Defendant now owes the Plaintiff the balance on the payment plan of \$124,674.63 . (Exhibits B, paragraph 4)

WHEREFORE, Plaintiffs pray that this case be reinstated and that judgment be entered against Gallagher Concrete Inc. a/k/a Hugh Henry Construction Inc. a/k/a HH Concrete Inc. in the amount of \$124,674.63 and also against Michael Gallagher, individually in the amount of \$6,130.56.

Respectively submitted,

s/ Daniel P. McAnally
Attorney for Plaintiffs

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